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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

DAVID J. BEEBE ET AL.

Serial No.: 10/045,937

Filed: October 19, 2001

Examiner: Lyle Alexander

Art Unit: 1743

METHOD AND APPARATUS FOR
MONITORING THE ENVIRONMENT
WITHIN A MICROFLUIDIC DEVICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Box Amendment - No Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22231-1450 on 7-29-04.

Christine Kierzek

Christine Kierzek 7-29-04
Signature Date

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REQUEST FOR RECONSIDERATION

Sir:

Responsive to the Office Action dated June 4, 2004, Applicant respectfully requests reconsideration in view of the following comments.

Initially, it is noted that the Examiner has rejected claims 1-27 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner has objected to the limitation "...wherein the first and second indicia are independent in size." In the Examiner's opinion, this limitation is vague and indefinite because the Examiner cannot ascertain the relationship between the indicia and the size. It is noted, however, that Applicant is specifically stating with such limitation that there is no relationship between the first and second indicia and the size of the monitor structure. As such, it is believed that the limitation objected to by the Examiner is entirely appropriate. However, if the Examiner would offer suggested language that overcomes the objection, it would be greatly appreciated.